

HOUSE BILL No. 1192

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2-244.3; IC 13-23.

Synopsis: Notice of underground storage tank leaks. Requires notice to affected or potentially affected property owners of a release of a contaminant from an underground storage tank system.

Effective: July 1, 2007.

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January 11, 2007, read first time and referred to Committee on Environmental Affairs.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1192

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-244.3 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2007]: **Sec. 244.3. "UST system", for**
4 **purposes of IC 13-23, has the meaning set forth in 329 IAC 9-1-49,**
5 **as in effect on January 1, 2007.**

6 SECTION 2. IC 13-23-14-2 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A person who
8 violates a rule adopted under IC 13-23-1-2 by:

9 (1) knowingly failing to give a required notification; or
10 (2) submitting false information;
11 is subject to a civil penalty of not more than ten thousand dollars
12 (\$10,000) for each underground storage tank for which a required
13 notification is not given or for which false information is submitted.

14 (b) A person who violates IC 13-23-16 as described in
15 IC 13-23-16-5 is subject to a civil penalty of not more than ten
16 thousand dollars (\$10,000) for each incident with respect to a UST
17 system for which:

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1 (1) a required notice is not given; or

2 (2) false information is submitted.

3 SECTION 3. IC 13-23-16 IS ADDED TO THE INDIANA CODE
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2007]:

6 **Chapter 16. Notice to Property Owners**

7 **Sec. 1. A citation in this chapter to a rule refers to the rule as in**
8 **effect on January 1, 2007.**

9 **Sec. 2. This chapter applies to a person required to report:**

10 (1) the discovery of released regulated substances at an
11 underground storage tank site or in the surrounding area
12 under 329 IAC 9-4-1(1); or

13 (2) a spill or overfill under 329 IAC 9-4-4(a).

14 **Sec. 3. A person must give notice of the release, spill, or overfill**
15 **referred to in section 2 of this chapter to the owner of a parcel of**
16 **real property if the person:**

17 (1) knows or has reasonable cause to believe that the released,
18 spilled, or overfilled substance has migrated to the parcel; or

19 (2) has reasonable cause to believe that the released, spilled,
20 or overfilled substance will migrate to the parcel.

21 **Sec. 4. The notice required under this chapter must:**

22 (1) be made by certified mail;

23 (2) be postmarked not later than ten (10) days after the
24 deadline for the report to the department under 329
25 IAC 9-4-1(1) or 329 IAC 9-4-4(a); and

26 (3) include:

27 (A) the same information reported to the department
28 under 329 IAC 9-4-1(1) or 329 IAC 9-4-4(a); and

29 (B) a statement of the grounds for the knowledge or belief
30 referred to in section 3 of this chapter.

31 **Sec. 5. A person who violates this chapter by:**

32 (1) failing to give; or

33 (2) submitting false information in;

34 the notice required by this chapter is subject to a civil penalty
35 under IC 13-23-14-2.

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